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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,083	12/04/2001	Frank Schwandner	O01-035A	8582

7590 11/25/2003
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EXAMINER KIM, AHSIIIK

ART UNIT 2876	PAPER NUMBER
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DATE MAILED: 11/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/005,083	SCHWANDNER, FRANK	
	Examiner	Art Unit	
	Ahshik Kim	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 16-18 and 20 is/are rejected.
- 7) ☒ Claim(s) 10-15 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the amendment filed on August 22, 2003. In the amendment
5 claim 5 and 8 were amended. Currently, claims 1-20 remain for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the
basis for the rejections under this section made in this Office action:

10 A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

15 3. Claims 1-9, 16-18, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Aslam et al. (US 6,393,249).

Re claims 1-3, 7, and 16-18, Aslam teaches a data system comprising an elastomeric
product in the form of a sleeve 950/902 (col. 8, line 61 – col. 9, line 25; col. 4, lines 24-36)

20 having a receiving portion (where the optical indicia, magnetic medium or radio frequency tag 953, see figures 17(a) and 17(b)) is to be applied (col. 37, line 46 – col. 38, line 34). Although not explicitly stated, radio frequency tag comprises a circuitry and antenna to interface – receiving and transmitting - with remote reader/writer in wireless manner. Aslam also discloses that the sleeve undergoes a curing process to reduce wear/tear of the sleeve (col. 4, lines 43-61).

Re claims 4, 6, 8, and 20, in case the label is used, the label containing the indicia can be adhered to the sleeve (col. 39, lines 25+). The label can be adhered to any outside portion of the sleeve.

Re claims 5 and 9, Merriam Webster's Collegiate Dictionary (10th edition) states vulcanization as "the process of treating crude or synthetic rubber or similar plastic material chemically to give it useful properties (as elasticity, strength, and stability)". According to www.dictionary.com definition, vulcanize is defined as "To improve the strength, resiliency, and freedom from stickiness and odor of (rubber, for example) by combining with sulfur or other additives in the presence of heat and pressure". In view of the above, the process disclosed in Aslam (col. 4, lines 43-61) meets "vulcanization" recited in these claims.

Allowable Subject Matter

5. Claims 10-15 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: the claims are directed at a transponder moveably implanted into a pocket on a spindle sleeve. As disclosed in the reference to Aslam, and previously cited references to Epstein and Kleinfelter, a data system comprising an elastomeric product is well known in the art. However, the references, taken alone or in combination, fail to suggest or teach a particular structure wherein the sleeve comprises a sealable pocket and a toothed profile as set forth in the claims.

Response to Arguments

7. Applicant's amended claims and remarks have been carefully reviewed and considered.

It is the Examiner's view that the Epstein patent still teaches the subject matter disclosed in claims 1 and 7, which broadly cite a data system comprising an elastomeric product and a

transponder tag. Citing a new reference is not an indication that the Examiner concedes to Applicant's assertion that the Epstein patent does not teach claims 1, 7 and other dependent claims. However, newly cited reference to Aslam perhaps appears to be similar to an embodiment disclosed in the instant application. Examiner also notes that the Applicants did not amend the claims to warrant new search or consideration. Accordingly, this Office Action is made non-final.

Conclusion

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Clarke et al. (US 6,283,868) discloses an elastomeric sleeve.

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (703)305-5203. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax number directly to the Examiner is (703) 746-4782. The fax phone number for this Group is (703)308-7722, (703)308-7724, or (703)308-7382.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly

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set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

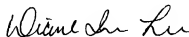
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Ahshik Kim
Patent Examiner

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Art Unit 2876
November 13, 2003



DIANE I. LEE
PRIMARY EXAMINER